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Alkam Home Fashion, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Alkam Home Fashion, Inc., a
California corporation,

Plaintiff,

v.

Legacy Decor, a California
corporation,

Defendant.

Civil Case No. 8:23-cv-01177

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff Alkam Home Fashion, Inc., by and through its counsel, alleges for
its complaint against defendant Legacy Decor as follows:

1 **NATURE OF THE ACTION**

2 1. This Court has subject matter jurisdiction pursuant to 17 U.S.C. §
3 501, *et seq.* (copyright infringement) and 28 U.S.C. §§ 1331 (federal question
4 jurisdiction), 1338(a) and 1338(b) and supplemental jurisdiction for any state
5 causes of action.

6 **THE PARTIES**

7 2. Plaintiff Alkam Home Fashion, Inc. (“Alkam Home Fashion”) is a
8 corporation organized under the laws of the State of California with its principal
9 place of business in Buena Park, California.

10 3. Defendant Legacy Decor is a corporation organized under the laws of
11 the State of California with, on information and belief, its principal place of
12 business at 1201 E. Ball Road, Suite X, Anaheim, CA 92805.

13 **JURISDICTION AND VENUE**

14 4. This Court has subject matter jurisdiction over this lawsuit under 28
15 U.S.C. § 1338, because, *inter alia*, the action arises under the copyright laws of
16 the United States.

17 5. This Court has personal jurisdiction over defendant Legacy Decor,
18 because it is a California corporation residing in the Central District of California.
19 Also, Defendant consented to personal jurisdiction in this District in a written
20 notice. A true and correct copy of defendant’s Notice is attached hereto as Exhibit
21 A.

22 6. Venue is proper and reasonable in this district under 28 U.S.C. §
23 1391(b)(2) because a substantial part of the events or omissions giving rise to
24 these claims for copyright infringement occurred in this district and defendant
25 resides in the District.

FACTS

7. Plaintiff Alkam Home Fashion is a corporation engaged in the development, sale and marketing of linen design products.

8. Shanghai Honour Industry Co. Ltd. is a Chinese Limited Company that is the author of a certain copyright linen design works entitled “AHF-300-7915” and “AH-300-4048”. Exemplary images showing the copyright works are attached hereto as Exhibit B.

9. Alkam Home Fashion is the owner and assignee of the AHF-300-7915 and AH-300-4048 copyrights.

10. The AHF-300-7915 and AH-300-4048 copyrights are the subject of Alkam Home Fashion’ U.S. Copyright Registration Nos. VA0002172662 and VA0002172660, respectively. True and correct copies of the U.S. Copyright Office’s reports regarding the copyright registrations are attached hereto as Exhibit C.

11. Legacy Decor is a corporation that is also engaged in the sale and marketing of linen design products.

12. On information and belief, Legacy Decor accessed the AHF-300-7915 and AH-300-4048 design by seeing Alkam Home Fashion’s products. Legacy Decor then made or had made infringing products based on copies of the designs.

13. Legacy Decor’s infringing products are identical, and/or at a minimum substantially similar, to Alkam Home Fashion’ copyright designs. An exemplary, true and correct copy of Legacy Decor’s website and Amazon listings with its products comprising the infringing designs is attached hereto as Exhibit D.

1 14. Defendant's copying, republication and exploitation of plaintiff's
2 copyrighted works was without authorization from plaintiff. Defendant's copying
3 was willful, oppressive, malicious and done with wrongful intent to infringe the
4 rights of plaintiff.

5 **CLAIMS OF RELIEF**

6 **FIRST CLAIM OF RELIEF**

7 **(Copyright Infringement – 17 U.S.C. § 501)**

8 15. Plaintiff repeats and incorporates by reference the statements and
9 allegations in paragraphs 1 to 15 of the complaint as though fully set forth herein.

10 16. At all times relevant hereto, plaintiff has been the owner, author
11 and/or assignee of all copyright rights or rights to assert copyright claims for its
12 works and all derivative works.

13 17. Without authorization, defendant used, copied, reproduced, and
14 republished the copyrighted material. Defendant's copying, reproduction, and
15 republication were commercial in character and purpose. Defendant either
16 completely or substantially used plaintiff's copyrighted content. Because the
17 copying was for commercial purposes, it did not constitute fair use under any
18 doctrine of copyright law.

19 18. Plaintiff did not authorize defendant's copying, displaying, or
20 republishing of the works. Defendant infringed the copyrights of plaintiff's
21 creative works by, *inter alia*, reproducing, republishing, publicly displaying, and
22 creating derivatives of the works.

23 19. As a result of defendant's infringement, plaintiff has suffered, and
24 will continue to suffer, substantial losses.

25 20. Defendant knew the infringed works belonged to plaintiff and that
26 they did not have authorization to exploit plaintiff's works. Defendant's
27 infringements were, therefore, willful.

28 21. On information and belief, defendant induced, caused and materially

1 contributed to the infringing acts of others by encouraging, inducing, allowing,
2 and assisting others to reproduce and republish plaintiff's works. Further, on
3 information and belief, defendant had knowledge of the infringing acts of others
4 relating to plaintiff's copyrighted works.

5 22. On information and belief, defendant has the right and ability to
6 control the infringing acts of the individuals and entities that directly infringed
7 plaintiff's works. Further, on information and belief, defendant obtained a direct
8 financial benefit from the infringing activities of the individuals or entities that
9 directly infringed plaintiff's works.

10 23. Defendant's actions, as set forth above, constitute copyright
11 infringement in violation of the Copyright Act, 17 U.S.C. § 501, *et seq.*, all to the
12 damage of plaintiff as previously alleged.

13 24. By reason of the foregoing unlawful acts recited in the above
14 paragraphs, plaintiff has been irreparably harmed and will continue to suffer
15 damage until an appropriate injunction and damages award are imposed by this
16 Court against defendant.

17
18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff asks that this Court grant judgment against
20 defendants for the following:

21 A. Defendant, its officers, agents, servants, employees, and attorneys,
22 and all persons in active concert or participation with any of them, be
23 permanently enjoined from:

- 24 i. infringing plaintiff's copyrighted works;
25 ii. indirectly, contributorily, or vicariously infringing plaintiff's
26 copyrighted works; and,
27 iii. conspiring, encouraging, inducing, allowing, abetting, or assisting
28 others in performing any of the activities referred to in

subparagraphs (i) - (ii) above.

B. Defendant shall file with the Court and serve on plaintiff, within 30 days after the entry and service on defendant of an injunction, a report in writing and attested to under penalty of perjury setting forth in detail the manner and form in which defendants has complied with the provisions of subparagraph (A) above.

C. Plaintiff be awarded statutory damages for prosecuting this action.

D. Plaintiff recovers all damages it has sustained as a result of defendant's infringement.

E. Plaintiff be awarded enhanced damages due to defendant's willful infringement.

F. Plaintiff be awarded its reasonable attorneys' fees for prosecuting this action to the full extent allowable by 17 U.S.C. § 505 or other related statute.

G. Plaintiff recovers its costs of this action and pre-judgment and post-judgment interest, to the full extent allowed by law.

H. Plaintiff receives all other relief the Court deems appropriate.

Respectfully submitted,

Date: June 30, 2023

MANDOUR & ASSOCIATES, APC

/s/ Ben T. Lila

Ben T. Lila (SBN 246808)

Email: blila@mandourlaw.com

Attorneys for plaintiff,

Alkam Home Fashion, Inc.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by the jury on its claims herein and all issues and claims so triable in this action.

Respectfully submitted,

Date: June 30, 2023

MANDOUR & ASSOCIATES, APC

/s/ Ben T. Lila

Ben T. Lila (SBN 246808)

Email: blila@mandourlaw.com

Attorneys for plaintiff,

Alkam Home Fashion, Inc.

EXHIBIT A

EXHIBIT A



American Linen <support@americanlinenrugs.com>

We've received a counter notice for your Amazon.com report

no-replies-appeal@amazon.com <no-replies-appeal@amazon.com>

Thu, Jun 22, 2023 at 7:08
AM

To: amazon.us@americanlinenrugs.com

Hello,

We have received a counter-notice, from an Amazon seller, to your report(s) of posting, hosting and/or distributing unlicensed copyright protected material on our network. Below are the details of the complaint and ASIN targeted in the complaint.

Complaint ID: 13079500041

ASIN: B0BFHBF142

Title: Legacy Decor 3 PCS Quilt Reversible Bedspread Coverlet Blue & White Patchwork Design Ultra Soft Microfiber Oversized Queen 100" W x 106" L

The counter notice submitted is provided below for your records. We will allow this material to become accessible, unless you provide us with notice that a lawsuit has been filed against the counter-noticing party within 10 business days. Please ensure a copy of the lawsuit is sent to ip-info-request@amazon.com to help ensure efficient processing. Note, that if a copy of the lawsuit is not provided within 10 business days, the identified content above will be reinstated.

ASIN: B0BFHBF142 SKU: FBA Wesley -Q Complaint ID: 13079500041 Submission type: dispute You recently provided me with a copy of a Notice of Infringement under the Digital Millennium Copyright Act (DMCA). This letter is a Counter-Notification as authorized in 512(g) of the DMCA. I have a good faith belief that the material identified in the Notice of Infringement was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled. I therefore request that the material be replaced and/or no longer disabled. The material in question formerly appeared on Amazon website with Amazon Standard Identification Number (ASIN): B0BFHBF142 My contact information is as follows: Full Legal Name: Mohammed Hilal Email Address: mhilal@legacydecor.com Mailing Address: 1201 E Ball Rd # X, Anaheim Ca 92805 Phone Number: (213)604-0612 ?? (I) I am located in the United States and I consent to the jurisdiction of the Federal District Court for the judicial district in which my address is located (OR) I am located outside of the United States and I consent to the jurisdiction of any judicial district in which Amazon may be found. ?? (II) I agree to accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person. ?? (III) I have a good faith belief that the material identified in the Notice of Infringement was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled. ?? (IV) I declare under penalty of perjury under the laws of the United States of America that this Counter-Notification and all statements therein are true and correct. ?? (V) I ACKNOWLEDGE THAT PROVIDING FALSE STATEMENTS IN A COUNTER-NOTICE MAY LEAD TO CIVIL PENALTIES OR CRIMINAL PROSECUTION. Enter your full name as a means of a digital signature. Please note that by entering your full name you are providing us with your digital signature which is legally binding. Mohammed Hilal

Thank You,
Amazon

EXHIBIT A

EXHIBIT B

EXHIBIT B



EXHIBIT B

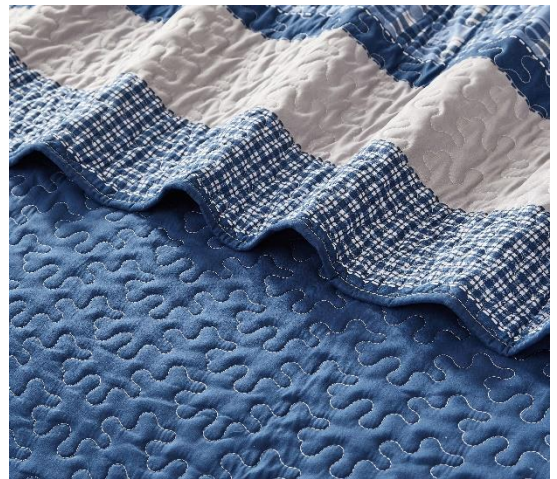


EXHIBIT B

EXHIBIT C

EXHIBIT C

Type of Work: Visual Material

Registration Number / Date:
VA0002172662 / 2019-08-22

Application Title: AHF-300-7915.

Title: AHF-300-7915.

Description: Electronic file (eService)

Copyright Claimant:
Alkam Home Fashion, Inc., Transfer: By written agreement.

Date of Creation: 2017

Date of Publication:
2017-01-01

Nation of First Publication:
China

Authorship on Application:
Shanghai Honour Industry Co. Ltd., employer for hire;
Domicile: China; Citizenship: China. Authorship:
photograph.

Rights and Permissions:
Jay Alkam, Trademark Pro's, 10231 Brookhurst St, Anaheim,
CA, 92804, United States, (714) 681-2369,
jay@alkamlaw.com

Names: Shanghai Honour Industry Co. Ltd.
Alkam Home Fashion, Inc.

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Type of Work: Visual Material

Registration Number / Date:
VA0002172660 / 2019-08-22

Application Title: AH-300-4048.

Title: AH-300-4048.

Description: Electronic file (eService)

Copyright Claimant:
Alkam Home Fashion, Inc., Transfer: By written agreement.

Date of Creation: 2017

Date of Publication:
2017-01-01

Nation of First Publication:
China

Authorship on Application:
Shanghai Honour Industry Co. Ltd., employer for hire;
Citizenship: China. Authorship: photograph.

Rights and Permissions:
Trademark Pro's, 2039 W. Lafayette Drive, Anaheim, CA,
92801, United States

Names:
Shanghai Honour Industry Co. Ltd.
Alkam Home Fashion, Inc.

=====

EXHIBIT D

EXHIBIT D

MODERN TIMELESS DESIGN
IDECOR.COM

[HOME](#)
[HOT SALE](#)
[ROOM DIVIDERS](#)
[BEDDING](#)
[ACCENT FURNITURE](#)
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[Home](#) > [Bedding](#) > 3 PCS Quilt Bedspread Coverlet Blue And White Patchwork Design Microfiber

CATEGORIES

HOT SALE

ROOM DIVIDERS

BEDDING

ACCENT FURNITURE

COLLECTION

BEST SELLING

BRANDS

Legacy Decor

Idecor

[View All](#)

FEATURED PRODUCTS

10% OFF With Promo Code **LD10**

3 PCS Quilt Bedspread Coverlet Blue and White Patchwork Design Microfiber

★★★★★ 0 review [Write a Review](#)

\$19.99 - \$52.00

PayPal Buy now, pay later. [Learn more](#)

SKU: Wesley

Weight: 5.00 LBS

Size: Required

Choose Options

Quantity: 1

ADD TO CART [ADD TO WISH LISTS](#)

Legacy Decor Colcha reversible de 3 p retazos azul y blanco, microfibra ultra tamaño, tamaño matrimonial, 86 pulg. pulgadas de largo

Visita la tienda de Legacy Decor

4.1 ★★★★★ 66 calificaciones

US\$37.25

Get \$60 off instantly: Pay \$0.00 upon approval for the Am

Disponible a un precio menor de otros vendedores que podrían no ofre

Color: Azul tartán

Tamaño: Completo

| | | | |
|-----------|-----------|-----------|-----------|
| Completo | King | Queen | gemelo |
| US\$37.25 | US\$42.00 | US\$32.90 | US\$33.00 |



- HOME Sale HOT SALE ROOM DIVIDERS BEDDING ACCENT FURNITURE New COLLECTION Hot BEST SELLING CONTACT US

Home > Bedding > 3 PCS Quilt Bedspread Coverlet Grey And White Patchwork Design Microfiber

CATEGORIES

HOT SALE

ROOM DIVIDERS

BEDDING

ACCENT FURNITURE

COLLECTION

BEST SELLING

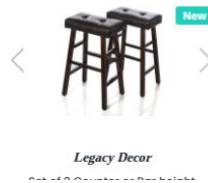
BRANDS

Legacy Decor

Idecor

[View All](#)

FEATURED PRODUCTS



10% OFF With Promo Code **LD10**



New

IDECOR

3 PCS Quilt Bedspread Coverlet Grey and White Patchwork Design Microfiber

★★★★★ 0 review [Write a Review](#)

\$19.99 - \$52.00

PayPal Buy now, pay later. [Learn more](#)

SKU: Grayson

Weight: 5.00 LBS

Size: Required

Choose Options

Quantity:

1

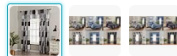
ADD TO CART

ADD TO WISH LISTS

[Back to results](#)



Roll over image to zoom in



Legacy Decor Bedspread Matching Curtain Drapes Set Grey & White 60" W x 84" L with 18" Valance Drop Patchwork Design

[Visit the Legacy Decor Store](#)

\$25⁰⁰

[FREE Returns](#)

[Get a \\$60 gift card instantly. Pay \\$0.00 upon approval for the Amazon Store Card. No annual fee. \[Learn more\]\(#\)](#)

Local Business

Brand Legacy Decor
Color Plaid Grey
Material Microfiber
Product Dimensions 84"L x 60"W
Opacity Light-filtering

About this item

- Matching curtain drapes set
- Set (2 panels) of matching drapes curtains window cover. Total measurement is 60" Wide x 84" Long. The set comes with valance drop 18" high. Hanging type is rod pocket. machine washable on gentle cycle in cold water for easy cleaning and maintenance. Tumble dry on low.

Additional Details

☐ Add Prime to get Fast, **FREE delivery**

Delivery

Pickup

\$25⁰⁰

[FREE Returns](#)

FREE delivery Wednesday, July 5

Or fastest delivery **Tomorrow, June 30**. Order within 1 hr 24 mins

Deliver to Abdul - Vernon 90058

Only 2 left in stock - order soon

Qty: 1

Add to Cart

Buy Now

Payment Secure transaction
Ships from Amazon
Sold by Legacy Decor
Returns Eligible for Return, Refund or Replacement within 30 days of receipt


EXHIBIT D

100% Cotton Quilt Set, Queen Size, Navy Blue, Pre-washed, 3-Piece Bedspread Coverlet Set


★★★★☆ 1,365

\$69⁹⁹ ✓prime

Back to results



Roll over image to zoom in



Legacy Decor 3 PCS Quilt Reversible Bedspread Coverlet Grey & White Patchwork Design Ultra Soft Microfiber Oversized Queen 100" W x 106" L

Visit the Legacy Decor Store

4.2 ★★★★★ 67 ratings

Deal

-20% \$37⁸³

Typical price: \$47.29 ⓘ

FREE Returns


Get a \$60 gift card instantly: Pay \$0.00 upon approval for the Amazon Store Card. No annual fee. [Learn more](#)

[Local Business](#)

Size: Queen

Full King **Queen** Twin

Color: Plaid Grey



Material

Polyester Blend

Color

Plaid Grey

Brand

Legacy Decor

Special Feature

Reversible, Oversized, Brushed ultra soft touch

Style

Eclectic

☐ Add Prime to get Fast, FREE delivery

prime

\$37⁸³

FREE Returns

FREE delivery **Wednesday, July 5**

Or fastest delivery **Saturday, July 1**. Order within 3 hrs 38 mins

📍 Deliver to Abdul - Vernon 90058

Only 6 left in stock - order soon

Qty: 1

Add to Cart

Buy Now

Payment Secure transaction

Ships from Amazon

Sold by Legacy Decor

Returns Eligible for Return, Refund or Replacement within 30 days of receipt

☐ Add a gift receipt for easy returns